

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA, §  
§  
v. § Case Number: 3:18-CR-00409-M  
§  
DWAIN CARAWAY (1), §  
§  
Defendant. §

**ORDER**

Upon motion of the defendant for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) and for home confinement under 18 U.S.C. §3624(c)(2) and the CARES Act,

IT IS ORDERED that the motion is:

- DEFERRED pending supplemental briefing. The court DIRECTS the United States Attorney to file a response on or before \_\_\_\_\_, 2020, along with all Bureau of Prisons records [medical, institutional, administrative] supporting the approval or denial of this motion.
- DISMISSED WITHOUT PREJUDICE for want of jurisdiction because of Defendant's pending direct appeal.
- DENIED FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES under 18 U.S.C. § 3582(c)(1)(A) (failure to fully exhaust all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf; the lapse of 30 days from the receipt of such a request by the Warden, whichever is earlier).
- DENIED after complete review of the motion on the merits under 18 U.S.C. § 3582(c)(1)(A). Factors considered:

Defendant does not allege or provide support for his contention that this case presents "extraordinary and compelling" circumstances as described in U.S.S.G. § 1B13(1)(A) & App. Note 1.

- Defendant's request for release to home confinement is DENIED. The CARES Act and 18 U.S.C. §3624(c)(2) do not grant courts statutory authority to modify a defendant's place of incarceration.

**SO ORDERED.**

July 29, 2020.

  
BARBARA M. G. LYNN  
CHIEF JUDGE